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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,128	12/23/2005	Susumu Watanuki	Q92303	5572
65565 7590 01/07/2008 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER GALLIS, DAVID E	
			ART UNIT 1625	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/562,128		WATANUKI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	David E. Gallis		1625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 13, 18, and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 7-12, and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

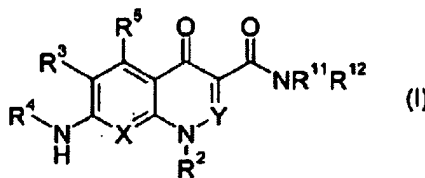
### DETAILED ACTION

1. This action is in responsive to the amendments and arguments filed October 9, 2007. Claims 1 through 4 and 7 through 19 are pending. Claims 3, 4, 13, 18 and 19 have been withdrawn. Claims 5, 6, 20, and 21 have been canceled. Claims 12 and 15 have been amended. This application is a National Stage of PCT/JP04/ 10781 filed July 22, 2004. Applicant has perfected the priority date of July 24, 2003.

### *Election/Restrictions*

2. Applicant's election without traverse of Group IV is acknowledged by the examiner. Applicant has elected a generic Group IV compound (I) in the response to restriction filed March 26, 2007 and the restriction is hereby MADE FINAL. The elected generic subject matter for Group IV is as follows:

Group IV, claims 1, 2, and 7 through 17, drawn to a quinolone derivative and pharmaceutical composition comprising a quinolone derivative, or a pharmaceutically acceptable salt thereof, represented by formulas (I) of claim 1 and (I-a) of claim 7 defined to contain the following specific functional groups:



X=C-R<sup>7</sup> or N (where R<sup>7</sup>=H), Y=C-R<sup>6</sup> or N (where R<sup>6</sup>=H), R<sup>2</sup>= alkyl, R<sup>3</sup>=halogen, R<sup>4</sup>=cycloalkyl, R<sup>5</sup>=hydrogen, R<sup>11</sup>=hydrogen, R<sup>12</sup>= substituted alkyl.

3. Claim 13 which is drawn to an NR<sup>11</sup>R<sup>12</sup> group forming a cyclic amino group has been withdrawn from consideration since it does not contain elected Group IV subject matter.

***Prior Rejections***

4. With respect to the rejection of claims 1, 2, 7, through 12 and 14 through 17 under 35 USC 112 first paragraph, applicants' arguments and declaration under 37 CFR 1.132 have been found persuasive. Therefore the enablement rejection with regard to P2Y<sub>12</sub> receptor and platelet inhibition of the elected formula (I) compounds is hereby withdrawn.

5. With respect to the rejection of claim 12 under 35 USC 112 second paragraph, Applicant's have amended the claim, clarifying the optional Group and substituent selection, thereby obviating the rejection.

6. With respect to the rejection of claim 15 under 35 USC 112 second paragraph, Applicant's have amended the claim eliminating the need for antecedent basis in the referenced claims, and thereby obviating the rejection.

7. With respect to the rejection of claims 15 through 17 under 35 USC 112 second paragraph due to the a lack of antecedent basis with reference to withdrawn claim 13, the examiner does not find Applicants' argument persuasive. Applicants are not entitled to subject matter outside the elected Group IV.

***Prior Objections***

8. With respect to the rejection of claims 1, 2, 7, 8, 9, 11, 12, and 14 on the ground that the claims contain subject matter outside the elected Group IV subject matter is maintained. Although the elected species of Group IV has not been found to be anticipated, Applicants are not entitled to subject matter outside the elected Group IV.

9. The rejection of claim 10 on the ground that the claim fails to further limit has been reconsidered and has been withdrawn.

### **Claim Objections**

10. Claims 9, 10 and 11 are objected to under 37 CFR 1.75 as being substantial duplicates of claim 7. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claims 9, 10 and 11 are compound claims that encompass the same products that are encompassed by formula (I-a) of claim 7 as restricted to the elected Group IV subject matter (see Election/Restrictions above).

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Gallis whose telephone number is 571-272-9068. The examiner can normally be reached on Mon-Thur 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-1600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. Gallis  
Patent Examiner

A handwritten signature in black ink, appearing to read 'B. Dentz', with a large, sweeping loop at the end.

**BERNARD DENTZ**  
PRIMARY EXAMINER